

## **REMARKS/ARGUMENTS**

### **Overview**

This amendment is submitted in response to the office action dated June 13, 2006. A one month extension of time is submitted herewith.

### **I. Objections**

Claims 1-11, 13, 15-18, and 21 are rejected under 35 U.S.C. 112, second paragraph, a being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants have amended claim 1 to recite "silicone-containing monomer" at the end of the claims. Claim 20 has been canceled.

Examiner has also objected to claim 1 as confusing stating that "the description of what "R7...that can under free radical and/or ionic polymerization..." is confusing. Applicants have amended claim 1 to recite that R7 is a group that can *undergo* free-radical and/or ionic polymerization".

Claim 13 has been amended to depend from claim 1.

Claims 17 and 18 have been renumbered as requested by Examiner. Claim 21 has been canceled.

Applicants respectfully submit that the objections have been traversed. Withdrawal of the rejections is requested.

### **II. Rejections under 35 U.S.C. §103(a)**

Examiner rejected Claims 1-4, 11, 13, 15, 17, 18, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over either of Kunzler et al PBPUBS Documents US2004/0176628 or Bawa et al patent (US 6,071,439) taken in view of Maiden et al patent (US6,367,929) and one or more of the group of patents encompassing Nicholson et al patents (US5,760,100), Spinelli et al (US 5,371,147), Spinelli (US5,019,628) and Spinelli (US4,810,756), and if necessary, in view of Pilat et al (US2,188,013)..

Applicants respectfully disagree. The claims as amended recite a process for purifying a silicone monomer of Formula I or II. R<sup>7</sup> in Formula I and II is "a monovalent

group that can undergo free radical and/or ionic polymerization and comprising up to 20 carbon atoms”. The present application at page 4, lines 24-27 states:

Silicone containing compounds which also comprise at least one polymerizable group and particularly at least one free radical polymerizable group can be difficult to adequately purify by other means, but are readily purified by SCFE.

None of the references cited by Examiner disclose or suggest that SCFE can be used to purify silicone containing *monomers* containing at least one polymerizable group as is claimed in the present invention.

Kunzler discloses using SCFE to remove “unreacted relatively low molecular weight cyclic siloxanes and oligomers” from “relatively high molecular weight silicone oil or fluid”. Abstract.

Bawa et al. discloses “a method of treating contact lenses made from polymerizable materials by providing supercritical fluids to the lenses.” Abstract.

Pilat et al. discloses a “method of separating high molecular mixtures into portions of different properties by means of gaseous carbon dioxide”. Column 1, lines 29-31.

The remaining references disclose various materials which may be used to make contact lenses, but neither disclose nor suggest SCFE could be used to purify those materials.

Examiner has stated that the term “silicone containing monomer” can be interpreted to encompass completed ocular devices. Applicants respectfully disagree. The claims currently recite that the silicone containing monomer is of Formula I or II. The monomers of Formula I and II do not encompass completed intraocular lenses or other medical devices. They are monomers of specified formulae, which are neither disclosed nor suggested in Kunzler et al. or Pilat et al. In fact, there is nothing in either Kunzler et al. or Pilat et al. which would suggest that the purification methods disclosed therein should be used on anything other than high molecular weight materials or for any purpose other than separating low molecular weight materials from high molecular weight materials. Nor is there anything in Kunzler et al. or Pilat et al. to suggest that reactive materials (as opposed to polymers) could be purified using SCFE. There is nothing in either Kunzler et al. or Pilat et al. which would suggest that

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SCFE should be used to purify monomer, and certainly not the monomers specified in Formulae I and II.

When prior art references require selective combination by the court to render obvious a subsequent invention, there must be some reason for the combination other than the hindsight gleaned from the invention itself. Uniroyal Inc. v. Rudkin-Wiley Corp., 5 U.S.P.Q. 1434 (1988).

### **III. Conclusions**

Applicants respectfully submit that the amendments and arguments have traversed Examiner's rejections and objections. Withdrawal of the rejections, and allowance of the claims as amended is requested.

Respectfully submitted,

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